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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/132,479	08/11/1998	PATRICK YOUNG	32939-SB-S78	9496

7590

05/23/2002

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/132,479

Applicant(s)

YOUNG ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 51-60 is/are pending in the application. 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

Claims 52-54 and 59 claim only subject matter disclosed in prior Application 08/033,773 (patent US 5,353,121) filed on 03/19/93, and names an inventor or inventors named in the prior application. Therefore, the effective filing data of the instant claims 52-54 and 59 is 03/19/93.

### ***Oath/Declaration***

The Oath/Declaration is objected. As indicated in the preliminary amendment dated August 11, 1998, the priority's claim to application 07/428,620 is no longer valid in Section 120. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 51, 55-56 are rejected under 35 U.S.C. 102(b) as being unpatentable by Strubbe et al. (US 5,047,867).

Regarding claim 51, Strubbe discloses a method of navigating about a database of television program listings, the method comprising the steps of (Fig. 1):

Storing in electronic memory television program listings for a plurality of channels in a channel listing (Fig. 2, elements 36A-C; Col. 4, lines 23-50).

Displaying on a monitor screen some of the television program listings in a guide format of time and channel (Fig. 6A); and

Arranging the plurality of channels in the channel listings in a preferred order to match viewer interest (Col. 5, lines 23-30; Fig. 6A; Favorite programs arranged according to program name).

Regarding claim 55, Strubbe further discloses wherein the arranging step comprises:

Displaying each of the plurality of channels in the channel listing over time in a default sequences and selecting a priority in the channel listing for each of the plurality of channels as it is displayed (Based on user's favorite; Fig. 6A).

Regarding claim 56, Strubbe further discloses wherein the step of displaying each of the plurality of channels in the channel listing comprises displaying a channel label (CBS, ABC...) for each of the plurality of channels in the channel listing (Fig. 6A).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al. (US 5,047,867) in view of Anderson et al. (US 5,416,895).

Regarding claims 52-54, Strubbe does not disclose moving a cursor on the monitor screen to selectively highlight one of the plurality of channels whose order is to be changed, wherein the reordering by moving the highlighted one of the plurality of channels from a first location to a second location in the channel listing; wherein the reordering step comprises dragging the cursor and highlighted one of the plurality of channels to the second location; and wherein the reordering step comprises selecting a second location for the highlighted one of the plurality of channels and transferring the highlighted one of the plurality of channels from a first location to the second location in the channel listing.

Anderson teaches a method of drag-and-drop techniques for copying or moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10, lines 64-Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strubbe by using the well known technique of drag-and-drop, as taught by Anderson, in order to provide users a highly intuitive interface so users don't have to master an elaborate and/or awkward environment but instead, may rely upon his or her own common knowledge to organize and present information according to their needs (Col. 3, lines 35-40).

3. Claims 57-58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al. (US 5,047,867) in view of Kawasaki (US 5,323,234).

Regarding claim 57, as analyzed with respect to claim 1, Strubbe does not disclose the listing guide having a plurality of cells.

Kawasaki discloses a listing guide having a plurality of cells (Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strubbe's listing guide with plurality of cells, as taught by Kawasaki, so to have a better presentation or to ease the selection of programs/channels by using the cursor/pointer of a remote control to navigate from one cell to another cell.

Regarding claim 58, both Strubbe (each channel's program are listed in order of time; Fig. 5) and Kawasaki (Col. 5, lines 23-30; Fig. 6A; Favorite programs arranged according to program name) discloses means for arranging the plurality of channels in the channel listing of the guide in a preferred order.

Regarding claim 60, both Strubbe (priority based on user's favorite; Fig. 6A) and Kawasaki (Fig. 5, priority based on channel # followed by time order) disclose wherein the arranging means comprises means for displaying each of the plurality of channels in the channel listing over time in a default sequence and means for selecting a priority in the channel listing for each of the plurality of channels as it is displayed.

4. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al. (US 5,047,867) in view of Kawasaki (US 5,323,234) and further in view of Anderson et al. (US 5,416,895).

Regarding claim 59, Strubbe and Kawasaki do not disclose the arranging means comprises a movable cursor displayed on the guide to selectively highlight one of the plurality of channels whose order is to be changed, wherein the highlighted one of the plurality of channels is moved from the first location to a second location in the channel listing.

Anderson teaches a method of drag-and-drop techniques for selecting and copying or moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10, lines 64-Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strubbe in view of Kawasaki by using the well known technique of drag-and-drop, as taught by Anderson, in order to provide users a highly intuitive interface so users don't have to master an elaborate and/or awkward environment but instead, may rely upon his or her own common knowledge to organize and present information according to their needs (Col. 3, lines 35-40).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young (US 4,706,121) shows a TV schedule system and process.

Kinghorn (US 4908707) shows video-cassette recorder programming via teletext transmission.

Hashimoto (US 5179439) shows personal channel display device in TV program reservation system.



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**Contact Fax Information**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or Faxed to: (703) 872-9314  
for formal communication intended for entry, or  
for informal or draft communications, please label "PROPOSED" or  
"DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht  
May 18, 2002

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600